



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 04-288
ACTION AGAINST)	
)	Notice of Administrative
Jefferson County Republican)	Charges
Central Committee)	
)	
Respondent.)	

IT IS ALLEGED as follows:

I.
JURISDICTION

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act, Chapter 34.05 RCW, Administrative Procedure Act, and Title 390 WAC.

II.
LAW

RCW 42.17.530 states, in relevant part: (1) It is a violation of this chapter for a person to sponsor with actual malice: (a) Political advertising that contains a false statement of material fact about a candidate for public office.

(2) Any violation of this section shall be proven by clear and convincing evidence.

RCW 42.17.505 states in part: "(1) Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

III.
BACKGROUND

On October 17, 2003, the Public Disclosure Commission received a complaint from William Biery alleging that the Jefferson County Republican Central Committee sponsored political advertising that contained a false statement of material fact about Mark Rose during Mr. Rose's 2003 campaign for Jefferson County Commissioner.

IV.
FACTS

These charges incorporate the Report of Investigation and all of its exhibits by reference.

Mark Rose was the Democratic candidate for election to the office of Jefferson County Commissioner in 2003. His opponent was Republican Pat Rodgers. Mr. Rose was defeated on November 4, 2003.

During the campaign, the Jefferson County Republican Central Committee sponsored political advertising that was broadcast to residents in Jefferson County. The ads were broadcast 400 times on eight local cable channels between October 16 and November 3, 2003 for a total cost of \$2,000. The initial ads were broadcast 288 times between October 16 and October 26, 2003 at a cost of \$1,440. The ads were again broadcast 112 times between October 31 and November 3, 2003 at a cost of \$560.

The broadcast ad made three statements about Mark Rose. The ad showed a still photo of Mr. Rose holding a microphone. While each statement was being read during the ad, Mr. Rose's nose stretched longer, leaving the clear impression that Mr. Rose was lying about the issues raised in the ad. When supplying copies of invoices for the ad to the Public Disclosure Commission, Comcast Corporation referred to the ad as "the Pinocchio Rose political advertisement."

One of the statements read during the broadcast ad said, **“Mark Rose claimed to be a staff member of the *LA Times* when all he did was write a letter to the editor.”** The ad went on to state, **“Consider the real facts before you vote. Mark Rose is bad news for Jefferson County. Paid for by Jefferson County Republican Central Committee.”**

Mr. Biery filed a complaint alleging that the statement *“Mark Rose claimed to be a staff member of the LA Times when all he did was write a letter to the editor.”* is a false statement of material fact made about Mark Rose.

The investigation determined that Mr. Rose’s background was an important issue during the campaign. One of the campaign issues was the way Mr. Rose described himself in his campaign literature. Mr. Rose distributed political advertising during the campaign that listed his community record and background as:

- Extended family ties to South Jefferson County
- Twenty years business background; journalist with the *New York Times* and *LA Times*
- Seven years Hotshot & Helitac forest firefighting, US Forest Service, Washington

Accusations were made about Mr. Rose’s honesty regarding his employment history, education and financial success, and in response to this controversy, two Jefferson County newspapers printed articles about the issues in dispute. Republicans questioned Mr. Rose’s credentials and right to claim he was a journalist, which led to the Jefferson County Republican Central Committee sponsoring the television ads claiming that Mr. Rose lied about his education, employment, and business success.

The investigation determined that Mr. Rose was employed by the *Los Angeles Times* from April 26, 1982 through December 6, 1982. The tag line on articles he wrote stated that he was an editorial staff member for the *Los Angeles Times*. He wrote obituaries, book reviews, and articles on subjects such as travel.

On August 27, 2003, the *Port Townsend Leader* published an article stating that Mr. Rose had provided *The Leader* with a clip file of writing during the 1980s and 1990s. The article described Mr. Rose as an editorial staff employee at the *Los Angeles Times*.

On September 3, 2003, Bryn Armstrong wrote a letter to the editor of the *Port Townsend Leader* questioning whether Mr. Rose was a journalist for the *Los Angeles Times*. An editor's note printed at the end of Mr. Armstrong's letter said, **"Editor's note: Mr. Rose's business experience in California was detailed in the Aug. 27 Leader...In terms of his experience as a journalist, we have confirmed that Mr. Rose was on the staff of the *Los Angeles Times* and was a free-lance writer for the *New York Times*. He was on the staff of at least one other media outlet in New York City."** Mr. Armstrong is the spouse of Leola Armstrong, the current Vice Chair of the Jefferson County Republican Central Committee. He is also a former editor for the *Las Vegas Sun* and was asked by the Jefferson County Republican Central Committee to assist in verifying Mr. Rose's employment background.

On September 12, 2003, the *Peninsula Daily News* published an article in which Mr. Rose stated that he would show his portfolio of journalism for various publications, including the *Los Angeles Times*, to any legitimate source. An editor's note printed at the end of the article said, **"Editor's Note: *Peninsula Daily News* has confirmed that Rose was on the staff at the *Los Angeles Times* and wrote free-lance articles that were published by the *New York Times*."**

Following these articles on August 27, September 3 and September 12, 2003 concerning Mr. Rose's employment at the *Los Angeles Times*, the Jefferson County Republican Central Committee ran the initial Pinocchio Rose political advertisement 288 times from October 16 through October 26, 2003.

On October 17, 2003, Bryn Armstrong requested and received a letter from Noel Greenwood, a former *Los Angeles Times* editor who was the editor during the time Mr. Rose said he was employed by the newspaper. Mr. Greenwood stated that he had no recollection of Mr. Rose

being employed at the *Los Angeles Times*, but said a search of the employee personnel records has not yet been completed. Ronald Gregory, Chair of the Jefferson County Republican Central Committee, stated that he received verbal confirmation of Mr. Greenwood's statements about Mr. Rose's employment status with the *Los Angeles Times* prior to running the ad on October 16, 2003. The ad running from October 16 through October 26, 2003 was not stopped pending verification of Mr. Rose's employment status with the *Los Angeles Times*. Mr. Gregory stated that the Jefferson County Republican Central Committee's Executive Committee used Mr. Greenwood's opinion as the basis for the statements in its T.V. ad. Mr. Gregory stated that no one from the Jefferson County Republican Central Committee attempted to verify Mr. Rose's employment status with the *Los Angeles Times*.

On October 22, 2003, the *Port Townsend Leader* ran another article concerning Mr. Rose. It referenced the T.V. ad being run by the Jefferson County Republican Central Committee, and described how the *Port Townsend Leader* had confirmed earlier that Mr. Rose had been an employee of the *Los Angeles Times* in 1982. The article described the types of articles written by Mr. Rose, and noted that the tagline on the articles stated that Mr. Rose was a *Times* editorial employee.

Between October 31 and November 3, 2003 the ads were again broadcast 112 times.

V. CONCLUSION

Staff alleges, based on the facts specified in Section IV, that the Jefferson County Republican Central Committee sponsored with actual malice political advertising that contained a false statement of material fact about Mark Rose, a candidate for Jefferson County Commissioner during the 2003 election.

Ronald Gregory, Chair of the Jefferson County Republican Central Committee, acknowledged that the statement, "*Mark Rose claimed to be a staff member of the LA Times when all he did*

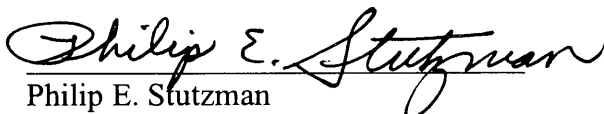
was write a letter to the editor.” was based on the opinion of Noel Greenwood, a former editor of the *Los Angeles Times*.

Both parties agreed that the issue of Mr. Rose’s honesty in describing his employment history was an important issue to voters in Jefferson County. The statement in the Jefferson County Republican Central Committee’s advertisement drew a sharp contrast between Mr. Rose’s statements in his own campaign ads and the party’s statements about Mr. Rose. The ad attempted to cast Mr. Rose as a liar concerning his statements about his employment history. The false statement that “*Mr. Rose claimed to be a staff member of the LA Times when all he did was write a letter to the editor*” was a false statement of material fact.

“Actual Malice” is defined in RCW 42.17.505 and means to act with knowledge of falsity or with reckless disregard as to truth or falsity. The Jefferson County Republican Central Committee made no effort to verify the authenticity of its statement. The Jefferson County Republican Central Committee could have easily determined the truth of Mr. Rose’s statements about his past employment history with the *Los Angeles Times*. In addition, the *Port Townsend Leader* and the *Peninsula Daily News* published their verification of Mr. Rose’s employment history. The central committee simply made no effort to verify the truthfulness of the statements placed in its political advertisement.

There is clear and convincing evidence that the Jefferson County Republican Central Committee violated RCW 42.17.530(1)(a) with reckless disregard as to truth or falsity when it broadcast, on multiple occasions, political advertising that made a false statement of material fact about Mark Rose.

RESPECTFULLY SUBMITTED this 2nd day of July, 2004.


Philip E. Stutzman
Director of Compliance